



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 19, 2023

**BY ECF**

The Honorable Jennifer H. Rearden  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *United States v. Martin Handler, et al*, 23 Cr. 004 (JHR)**

Dear Judge Rearden:

Pursuant to the Court's March 21, 2023 Opinion and Order (ECF No. 71 (the "Mar. 21, 2023 Op. & Order")), the Government provides below an update regarding the status of its search, pursuant to a search warrant (the "Search Warrant"), of cellphones seized incident to the arrests of defendants Martin Handler, Menachem Lieberman, Isidore Handler, and Ben Werczberger.<sup>1</sup>

**1. Lieberman Cellphone**

As noted previously, the Government has completed its extraction and review of data from the Lieberman Cellphone, produced the full contents of its extraction to Lieberman only on March 2, 2023, and produced data from the Lieberman Cellphone identified as responsive to the Search Warrant to all defendants on March 31, 2023.

Continued retention of the Lieberman Cellphone is necessary at this early stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the Lieberman Cellphone.

**2. I. Handler Cellphone**

The Government has extracted data from the I. Handler Cellphone, and the Government produced the full contents of that extraction to Isidore Handler only on March 2, 2023. The volume of data extracted from the I. Handler Cellphone is substantial, comprising approximately 64.2

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<sup>1</sup> Unless otherwise defined, capitalized phrases are assigned the same meaning set forth in the Mar. 21, 2023 Op. & Order.

gigabytes. On April 29, 2023, a filter team completed its review of the full contents of data extracted from the I. Handler Cellphone.

On May 11, 2023, a forensic examiner at the FBI provided the prosecution team a set of the data extracted from the I. Handler Cellphone that the filter team did not identify as potentially privileged. The prosecution team is reviewing the filtered data and does not currently have an estimate for when it will complete that review.

Continued retention of the I. Handler Cellphone is necessary at this early stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the I. Handler Cellphone.

### **3. Werczberger Cellphone**

The status of the Government's review of the Werczberger Cellphone is unchanged. The Government has extracted limited data from the Werczberger Cellphone's SIM card, and the Government produced the full contents of that extraction to Werczberger only on March 2, 2023. That data has not yet been reviewed by a filter team.

The Government has not otherwise been able to decrypt and extract any data from the Werczberger Cellphone, and its efforts to do so remain ongoing.

### **4. M. Handler Cellphone**

The status of the Government's review of the M. Handler Cellphone is unchanged. The Government has not yet been able to decrypt or extract any data from the M. Handler Cellphone, and its efforts to decrypt and extract data from that cellphone remain ongoing.

Respectfully submitted,

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cc: All Counsel of Record